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February 17, 2022

By ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Pierre, et al., 22 Cr. 00019 (PGG)

Dear Judge Gardephe,

I am counsel for Defendant Arthur Bogoraz, and write to request a modification to the bail terms that were so ordered by the Court on February 7, at *ECF* 39 (“February 7 Order”).

As per the conditions of release, that were agreed upon with the Government, there were four properties in New Jersey and two properties in Florida that were to be pledged as security for the \$4 million bond. The February 7 Order required Mr. Bogoraz to submit proof to the Government of the filing of confessions of judgment relating to all six properties within seven days of Mr. Bogoraz’s release. Mr. Bogoraz was released from MDC on February 10, so the deadline for the filing proof of those confessions of judgment is today.

As of today, we submitted proof of filing of confessions of judgment relating to five of the six properties, in local county courts consisting of one property in Middlesex County, two in Monmouth County, and two in Miami-Dade County in Florida. However, the filing of a confession of judgment relating to the final property, located in Bergen County, has yet to be successfully filed. The Bergen County confession of judgment was indeed executed by the owners of the property and notarized, a copy of which was submitted to the Government. But the Bergen County clerk’s office has rejected its filing despite our attempts in person on two separate occasions, (and even though the document is in the same format as the other documents that were accepted for filing in the other counties for the other properties at issue).

The Bergen County clerk has today advised us that the document, which is in the form of an affidavit, will not be accepted in such a format to constitute a judgment.

We are therefore respectfully requesting an additional seven days to continue our efforts to effect the filing of a confession of judgment in Bergen County that is in the proper form under its local procedures.

Honorable Paul G. Gardephe, U.S.D.J.
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I have discussed this matter with AUSA Mathew Andrews for the Government, and Pretrial Officer Josh Rothman, who both inform me that they do not oppose our request for an additional seven days.

Accordingly, we respectfully request an additional seven days to submit proof of filing of a confession of judgment for the remaining property located in Bergen County.

Respectfully submitted,

s/

Aaron M. Rubin

cc:

AUSA Mathew Andrews
AUSA Louis Pellegrino

MEMO ENDORSED

The Application is granted.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: February 18, 2022